IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 29387 of 2007(W)

OS.406/2006 of MUNSIFF COURT, PARAVUR

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PETITIONERS:

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1. P.S.BABU, AGED 38 YEARS,
   S/O.SUBRAMANIAN, PUTHUSSERI HOUSE,
   MANIKKAMANGALAM, KALADY, ERNAKULAM DISTRICT.

2. DEEPA T.P., AGED 29 YEARS,
   W/O.P.S.BABU, PUTHUSSERI HOUSE,
   MANIKKAMANGALAM, KALADY, ERNAKULAM DISTRICT.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:

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1. JOY, S/O.O.M.PAILY, OLATTUPURATH HOUSE,
   MUNAMBAM, KUZHIPPILLY VILLAGE.

2. GEORGE, S/O.O.M.PAILY, OLATTUPURATH
   HOUSE, MUNAMBAM, KUZHIPPILLY VILLAGE.

3. MATHEW, S/O.O.M.PAILY, OLATTUPURATH
   HOUSE, MUNAMBAM, KUZHIPPILLY VILLAGE.

4. THOMAS, S/O.O.M.PAILY, OLATTUPURATH
   HOUSE, MUNAMBAM, KUZHIPPILLY VILLAGE.

5. FRANCIS, S/O.O.M.PAILY, OLATTUPURATH
   HOUSE, MUNAMBAM,, KUZHIPPILLY VILLAGE.

6. RAPHAEL, S/O.O.M.PAILY, OLATTUPURATH
   HOUSE, MUNAMBAM, KUZHIPPILLY VILLAGE.

7. JOHN, S/O.O.M.PAILY, OLATTUPURATH HOUSE, MUNAMBAM, KUZHIPPILLY VILLAGE.

8. ALEXANDER, S/O.O.M.PAILY, OLATTUPURATH HOUSE, MUNAMBAM, KUZHIPPILLY VILLAGE.

9. PAUL, S/O.O.M.PAILY, OLATTUPURATH HOUSE, MUNAMBAM, KUZHIPPILLY VILLAGE.

10. JOSHY, S/O.O.M.PAILY, OLATTUPURATH HOUSE, MUNAMBAM, KUZHIPPILLY VILLAGE.

11. NELSON, S/O.O.M.PAILY, OLATTUPURATH HOUSE, MUNAMBAM, KUZHIPPILLY VILLAGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.29387 of 2007

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Dated this the 4th day of October, 2007.

JUDGMENT

This Writ Petition is filed seeking a writ of mandamus to direct the Munsiff, North Parur to dispose of I.A.No.1997 of 2007 within a time frame and also as an interim relief, to direct the respondents to maintain status quo till the disposal of the Writ Petition.

2. Learned counsel cited before me a decision of this court reported in **Zachariah** v. **State of Kerala** - 1990(1) K.L.T. 371 in which this Court held that the court which disposed of the case has the power to direct maintenance of status quo as it existed prior to the passing of the decree. It is for the said purpose that Ext.P5 application has been filed.

3. Therefore, I direct the court below to consider Ext.P5 application as expeditiously as possible, at any rate, within a period of one week from today taking into consideration the state

of affairs that existed prior to the disposal of the case before the court rejected the plaint for non-payment of court fee. I am not inclined to grant the second relief as an interim measure, because this Court at this stage cannot pass such an order also. I make it clear that the court has to consider its power as stated in the decision and also the materials that were prevalent before the disposal of the suit and pass orders accordingly. If the case is posted for a longer date, it has to be advanced and dispose of within a period of one week on complying with all the formalities.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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